

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

**DATE:** July 14-15, 2010

**LOCATION:** Department of Consumer Affairs  
1625 North Market Blvd.  
Hearing Room S-102  
Sacramento, CA 95834

**PRESENT:** Ann L. Boynton, President  
Jeannine Graves, RN, Vice President  
Judy L. Corless, BSN, RN  
Dian Harrison, MSW  
Richard L. Rice  
Kathrine M. Ware, RN, MSN, ANP-C  
Erin Niemela (7/14 arrived at 9:25)

**NOT PRESENT:** Catherine M. Todero, PhD, RN  
Nancy Beecham, BS, RNC

**ALSO PRESENT:** Louise Bailey, M.Ed., RN, Interim Executive Officer  
Heidi Goodman, Assistant Executive Officer  
Don Chang, DCA Legal Counsel  
Stacie Berumen, Enforcement Division Chief  
Christina Sprigg, Administration Manager  
Carol Stanford, Diversion Program Manager  
Kathy Hodge, Enforcement Program Manager  
Geri Nibbs, NEC  
Janette Wackerly, NEC  
Miyo Minato, NEC  
Kelly McHan, NEC  
Leslie Moody, NEC  
Kay Weinkam, NEC  
Katie Daugherty, NEC  
Badrieh Caraway, NEC  
Kelly McHan, NEC  
Alcidia Valim, Budget Analyst  
Julie Campbell-Warnock, Research Program Specialist  
Kim Ott, Legal Desk Analyst  
Laura Brann, Recorder  
Dawn Kammerer, Recorder  
Dian Vorters, Administrative Law Judge  
Leslie Bergermeyer, Deputy Attorney General  
Jeffrey Phillips, Deputy Attorney General

**Wednesday, July 14, 2010**

**1.0 CALL TO ORDER**

A. Boynton, Board President, called the meeting to order at 9:13 am and had the Board Members introduce themselves.

**2.0 Public Comment for Items Not on the Agenda**

Genevieve Clavreul, RN provided a comment.

**3.0 Review and Approve Minutes:**

➤ May 19-20, 2010, Board Meeting

MSC: Harrison/Ware that the Board approve minutes from May 19-20, 2010. 6/0/0

➤ June 14, 2010, Board Meeting

MSC: Ware/Corless that the Board approve minutes from June 14, 2010. 6/0/0

**4.0 Report on Board Members' Activities**

On June 30, 2010, Kathrine Ware attended and participated in a conference call meeting with board and University of California San Francisco staff to discuss survey tools for advanced practice nurses.

**5.0 Board and Department Activities**

**5.1 Interim Executive Officer Report**

Louise Bailey presented this report

**Department of Consumer Affairs (DCA) Updates**

DCA Appointments – Daryl Walker has been named as the Chief of the Division of Investigation effective July 16, 2010. Daryl has been the Deputy Chief at the Division since October 2007. Prior to joining the Division of Investigation, Daryl has a distinguished career in law enforcement and administrative investigations including service as a police officer, investigator at the Fair Political Practices Commission, supervising investigator at the California Emergency Medical Services Agency and supervising investigator at the Medical Board of California.

DCA Strategic Plan 2010-2012 – This Plan was recently released that continues the important themes of process improvement, customer service, efficient and timely licensing regulation as well as the development of the Consumer Protection Enforcement Initiative, aimed at reducing the cycle time for investigations. Steps were also taken to quickly reduce licensing backlogs, in support of the Administration's job creation efforts. DCA is committed to transparency and accountability and the plan contains a description as to how the department will measure progress and success and these will be reported quarterly on the Department's Website. The Strategic Plan and quarterly reports can be viewed at: [www.dca.ca.gov](http://www.dca.ca.gov).

Board Member Orientation – In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA’s Board Member Orientation within one year of their appointment. The next Board Member Orientation is set for Wednesday, December 1, 2010, at DCA Headquarters in Sacramento from 9:00 am to 4:30 pm.

Board Member and Advisory Committee Training Improving Enforcement and Board Member Governance – On July 27, 2010, at the Sacramento Public Library Galleria, DCA is hosting a training day for board and advisory committee members. The training will focus on improving enforcement and board member governance.

Microsoft Active Directory Exchange/Outlook (MADEO) – The Novell Netware directory services has been replaced with Active Directory and the DCA has completed the Board’s implementation of the Exchange/Outlook e-mail system.

BRN Office Relocation Update – DCA is in the process of acquiring additional office space for the Board to accommodate the new positions, which are to be filled over the next two years. The Department of Finance has given DCA final approval to obtain new space for our Board and others that are included in the Consumer Protection Enforcement Initiative. The Board has been working with the Facilities Management Unit in finalizing the floor plan for the new space. It is anticipated that the move will take place in early 2011.

### **Job-Creation and Licensing Backlog Reduction Project Update**

In January 2010, Governor Schwarzenegger requested a plan from DCA and all the healing arts boards to reduce the current backlog in all licensing programs by 50% by June 30, 2010. In March 2010 DCA was approved to begin the Job Creation Initiative. The goal was to reduce any backlogs in the Licensing Units and to assist with the timely licensure of those applicants who were qualified and passed the national exams. This assisted newly licensed health care licensees to seek employment or open businesses that could provide jobs.

DCA authorized boards and bureaus to implement self-directed furloughs; approved overtime for staff that worked on licensing and examination functions; and if necessary to hire temporary staff to assist in processing licensing and examination applications.

This project provided the BRN with the opportunity to review and streamline existing application processes; allowed staff to self-direct furloughs on a voluntary basis as well as provide overtime for Licensing, Mailroom and Cashiering staff. The BRN’s efforts reduced the licensing backlog and allowed staff to keep pace with the influx of applications from the spring graduates from the over 140 RN nursing programs and issued 10,869 RN licenses from January 27, 2010 to June 30, 2010.

### **Sunset Review Report**

As previously reported to the Board, the BRN is one of nine Boards undergoing Sunset Review this year. The report will highlight the Board’s current programs, financial state and staffing levels as well as statistics for all the Board’s programs including: Enforcement, Licensing, and Renewals. The Board’s last Sunset Review Report was completed in 2002.

Staff continues to work on the Sunset Report which is due to the Senate Committee on Business, Professions and Economic Development by October 1, 2010.

### **Education Advisory Committee**

The Education Advisory Committee (EAC) met on May 13, 2010, in Sacramento. The focus of the meeting was to review the 2008-2009 Annual School Survey instrument and make edits as needed for the 2009-2010 survey document. The committee includes nursing directors from various nursing program types including public and private programs, community colleges, CSU and UC. Representatives from some other nursing related agencies (i.e. Community College Chancellor's office, CINHC, etc.) are also members of the committee.

### **Governor's California Nurse Education Initiative**

On June 22, 2010, Governor Schwarzenegger highlighted his commitment to ensure quality health care for every California resident and announced that the number of Registered Nurse (RN) graduates has increased by 71.6 percent in the five years since he launched the California Nurse Education Initiative. This report on the initiative was collaboration between government, higher education and industry leaders and highlighted the following milestones:

Graduates – California had 10,570 RN graduates in 2009 compared to 6,158 in 2004 before the initiative was launched.

Enrollments – More than 25,285 students are currently enrolled in California pre-licensure programs, reflecting a 78.7 percent increase in new student enrollments in the past five academic years.

Programs – California has 139 nursing education programs, an expansion of 35 pre-licensure RN programs in the past 5 academic years. Attached is a copy of the press release and a copy of the full report can be found at: [www.labor.ca.gov](http://www.labor.ca.gov)

### **Public Record Request**

The Board continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of May 7, 2010 through June 24, 2010, the Board has received and processed 18 public record requests.

### **Board Member Correspondence**

For the period of May 18, 2010 through June 28, 2010, the Board received one letter and one email addressed to all the Board Members. The letter was related to a probation matter and the email was related to an applicant.

### **Personnel**

The following personnel changes have transpired since the last Board Meeting:

<b>New Hire</b>	<b>Classification</b>	<b>Board Program</b>
Chanh Nguyen	Key Data Operator	Licensing Support

Promotions	Classification	Board Program
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Danny Cope	Office Services Supervisor II	Renewals
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Separations	Classification	Board Program
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Rosa Garcia-Farman	Office Services Supervisor II	Call Center
Mai Yang	Key Data Operator	Licensing Support
Lani Fong	Office Technician	Licensing Support
Amanda Velasquez	Office Technician	Enforcement

**Retirement** - Louisa Gomez, Licensing Standards and Evaluation; Advanced Practice Program Manager began her 33 year state career with the Department of Consumer Affairs working at the Dental Board Examiners, Contractors Board, and the Psychology Examining Committee. She transferred to the Department of Finance and became a budget analyst before moving on to the Department of Justice where she was an administrative analyst. In 1987, she returned to DCA at the Board of Registered Nursing and was in the Administration Unit as a budget analyst. In 1990, Louisa was promoted to the Board's Licensing and Renewals Program Manager. During her 23 year tenure with the Board she experienced the last of the paper and pencil exams as the national exam went to a computerized adaptive test and she worked closely with the deans and directors of California's pre-licensure programs, recruiters and applicants. Louisa announced her retirement on June 30, 2010. We wish her the very best in her retirement.

## 5.2 DCA Directors Report

Kimberly Kirchmeyer presented the DCA Directors Report on behalf of Brian Stiger, Director

### Update on Consumer Protection Enforcement Initiative (CPEI)

The Department's BCP requesting approximately 140 positions for all the healing arts boards was approved and recruitment for these positions has begun. The Department has also begun to obtain data on the Performance Measurements and expects to post on the Web sites in October.

The BCP for the BreEZE project, which will replace the Department's antiquated computer systems, was approved.

The Department encouraged Boards to move forward with regulations that would allow the Board and its Executive Officer the ability to expedite its investigation and prosecution processes and for the Board to look at the timeframes for the different steps within their enforcement processes.

The Department indicated its support to the Board to become a participating member of the National Council of State Boards of Nursing, Nursys System.

### **Licensing Reform**

The most recent project that the Department has begun is the licensing reform. It is very important that we get individuals licensed in a timely manner in order for them to join the workforce. Phase I is gathering our statistics and Phase II is going to mirror what happened with CPEI. We will be reviewing the licensing processes, establishing performance measurements, looking at laws and regulations, and determining any best practices.

### **SB 1441**

The Department is requesting that the Board move forward with the implementation of the SB 1441 Uniform Standards and to move forward with regulations or policy changes as necessary.

### **July 27, 2010**

The Board was reminded about the upcoming Board Member Training Day that is scheduled for July 27, 2010.

### **Federal Health Care Reform**

The Department will begin holding meetings to discuss the impact this reform will have on Board's licensing and enforcement processes. It was requested that the Board begin discussion on this topic and place as a standing item on its agenda.

## **6.0 Report of the Administrative Committee**

Ann L. Boynton, Chairperson

### **6.1 Proposed Amendment, Title 16, California Code of Regulations, Article 1, Section 1417, Fees**

Don Chang presented this report

Notice of the Board's proposed modification of the regulatory proposal increasing specified fees was posted June 14, 2010, with the public comment period ending June 30, 2010. The modification reduces the proposed license renewal fee from \$140 to \$130, and the late license renewal fee from \$70 to \$65.

MSC: Ware/Rice that the Board authorize staff to notice the justification for fee reduction to the public for 15-day comment period and to delegate to the Interim Executive Officer the authority to adopt the modified changes if no adverse comments are received. 7/0/0

### **6.2 Proposed Amendment, Title 16, California Code of Regulations, Article 3, Section 1420 et. seq., Schools of Nursing**

Don Chang presented this report

The regulatory proposal amending Article 3, Schools of Nursing, was submitted to the Department of Consumer Affairs on June 14, 2010.

### **6.3 BreEZe Project Overview**

Heidi Goodman presented this report

Debbie Balaam, Chief Information Officer, DCA, Office of Information Services, presented an overview of the BreEZe project that seeks to implement an integrated licensing and enforcement IT solution that will support the efforts outlined in the Consumer Protection Enforcement Initiative (CPEI) and replace the existing Consumer Affairs System (CAS) and the Application Tracking System (ATS).

Genevieve Clavreul, RN provided a comment.

### **7.0 Report of the Legislative Committee**

Dian Harrison, MSW, Chairperson

### **8.1 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board**

L. Bailey presented this report

AB 1703 Knight: State Nursing Assumption Program of Loans for Education: veterans' homes

MSC: Boynton/Graves that the Board support AB 1703. 7/0/0

AB 1937 Fletcher: Pupil Health: immunizations

MSC: Niemela/Ware that the Board support AB 1937. 7/0/0

AB 2385 Perez: Pilot Program for Accelerated Nursing and Allied Health Care Profession Education at the California Community Colleges

Myrna Allen, American Nurses Association California, provided a comment.

MSC: Rick/Ware that the Board watch AB 2385. 7/0/0

AB 2500 Hagman: Professions and Vocations: licenses: military service

MSC: Graves/Ware that the Board support AB 2500. 7/0/0

AB 2699 Bass: Healing Arts: licensure exemption

The following people provided a comment:

Genevieve Clavreul, RN

Kelly Green, California Nurses Association

Katherine Hughes, SEIU National Nurse Alliance

Myrna Allen, American Nurses Association California

Kim Kirchmeyer, Deputy Director, Board and Bureau Relations

MSC: Boynton/Ware that the Board oppose unless amended AB 2699. 7/0/0

AB 2783 Committee on Veterans Affairs Professions and Vocations: Military Personnel

MSC: Niemela/Corless that the Board watch AB 2783. 7/0/0

SB 294            Negrete McLeod: Department of Consumer Affairs: regulatory boards

The following people provided a comment:

Kelly Green, California Nurses Association

Katherine Hughes, SEIU National Nurse Alliance

MSC: Rice/Ware that the Board oppose SB 294. 7/0/0

SB 1119            Wright: Health Care Staffing

The following people provided a comment:

Kelly Green, California Nurses Association

Genevieve Clavreul, RN

MSC: Boynton/Corless that the Board oppose unless amended SB 1119. 7/0/0

SB 1172            Negrete McLeod: Regulatory Boards: diversion programs

MSC: Niemela/Ware that the Board watch SB 1172. 7/0/0

SB 1440            Padilla: California Community Colleges: student transfers

MSC: Ware/Niemela that the Board support SB 1440. 7/0/0

## **8.0 Report of the Diversion/Discipline Committee**

Richard Rice, Chairperson

### **8.1 Nursys Discipline Data Comparison (Scrub) Update**

Stacie Berumen presented this report

The Enforcement Program was initially tasked to work on the Nursys Discipline Data Comparison (Scrub). Unfortunately, when the information was reviewed by the Enforcement Division Chief and Enforcement Program Manager it was determined the volume of work which is projected to be generated would be too much for the enforcement staff to take on at this time with current staff and workload.

The Enforcement Division Chief met with the Probation Program Manager and it was determined the Probation Program has sufficient resources, at this time, to take on the Nursys project.

The Probation Program Manager assigned various tasks to her staff. They are working on reconciling data from the Nursys system to find out whether or not California was aware of the actions taken in other state's jurisdictions or not. The data is divided into Active and Inactive Licensees. Enforcement and Probation staff has ordered discipline documents for all active licensees revoked or surrendered in another jurisdiction. Discipline documents are being ordered for all other actions taken against active licensee after 1999.

Approximately 60% of all actions were taken between 2000 and present. Actions against inactive licensees and all other actions for active licensees will be reviewed for case disposition after the more current actions have been investigated.



The actions taken by other states/agencies resulted in reprimands/censures, citations and fines, through the gamut up to license surrender or revocation. Through review, staff has found other states may have taken action against a licensee for the same offense(s) in one state resulting in multiple actions against the same individual.

Another issue to keep in mind is what is actionable in one state may not result in disciplinary action being taken in California. Some examples include: license revocation for non-completion of continuing education requirements, non-payment of student loans, and non-payment of state income taxes. This does not diminish or minimize other actions as a result of serious lapses in patient care, drug diversion, or criminal convictions. This is to provide additional details to complete the picture regarding disciplinary actions by other states/agencies.

California has reported discipline data to Nursys since its inception in 1999. Nursys has been contracted as our agent to report discipline information to the federal government's Health Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) (as of January 28, 2010).

It should also be noted that the HIPDB/NPDB requires reporting of all disciplinary actions against health care practitioners yet it only allows state boards to search/query without cost on disciplinary actions our board has taken against practitioners. If we want to check and see if any actions have been taken against our applicants or licensees by any other state/agency we are required to pay a fee to each data bank for each name we want to search on. Fees can be paid for a one time search or one year of notifications from HIPDB/NPDB. In order to continuously monitor our licensees we must pay a fee each year per licensee to the federal databanks.

The attached statistics were provided to the media regarding initial cursory analysis of the Nursys data:

Discipline by Another State/Agency	Active	Inactive	Total
Revoked	144	310	454
Surrender	72	0	72
Suspension	209	332	541
Probation	429	446	875
Emergency Suspension	11	15	26
Restriction	15	11	26
Denial	92	42	134
Reprimand or Censure	387	324	711
Fine	269	156	425
Other Action	115	84	199
Total Actions	1743	1720	3463

Our management staff and DCA executive staff met with the Attorney General's office (AG) and the Office of Administrative Hearings to discuss how best to handle the additional workload generated from this project. The cases will be transmitted to a Northern and Southern California team at the AG's office for review and pleading of an accusation.

The Enforcement Division Chief has requested a contract be drawn up to conduct a quarterly data comparison beginning sometime after the beginning of fiscal year 2010/2011.

The Board requested an analysis be completed on the pros and cons of being a Licensure Member Board with NCSBN.

Myrna Allen, American Nurses Association California, provided a comment.

## **8.2 Enforcement Program Update and Statistics**

Stacie Berumen presented this report

### **Staff**

The Nurse Evaluator IV position remains unfilled. Human Resources and the Department of Personnel Administration may change the classification to Nursing Education Consultant by adding a second level which would reduce the minimum qualifications to a 4-year Bachelor's degree. The Nursing Education Consultant classification increases the pool of current or recently experienced bedside nurses, an essential nurse expert qualification. We are still awaiting notification that we can start recruiting.

Planning sessions for the new Complaint Intake Unit have begun with Enforcement staff. The sessions include defining major functions and detailed processes and will result in the completion of desk manuals for each staff member in the unit.

Duty statements are being completed and submitted for the manager positions so they can be posted before the end of July. It is hoped we will be ready to hire for these positions once the budget is signed.

Two of our case analysts completed the Enforcement Academy. Others are slated to attend in the Fall.

### **Program**

We are working on closing out complaints for fiscal year 2009-2010. The complaint desk is being worked diligently and, with assistance from others, complaint intake has no backlog.

The second phase of the Nursys discipline data comparison was transferred to the Probation Unit due to a lack of available Enforcement staff resources.

The CAS clean up project is on target for completion on June 30; therefore, our performance measurement reports should be pretty accurate.

Beginning July 1, Enforcement staff will be required to track time spent on complaints in the investigative phase for performance measurement and eventual cost recovery. A mechanism to capture the time has not yet been rolled out to the Enforcement programs.

The Northern California Expert Witness Workshop was held in the DCA Hearing Room on May 13. We had approximately 70 participants, 40% were existing experts. We received very good feedback and are planning to conduct the same workshop in Southern California sometime in October. We have been offered a location near San Diego at no cost to the Board.

### **BRN Investigations**

BRN investigators have completed 32 investigation reports. Our Southern California special investigators (RA) are no longer working for the board as of June 30, 2010. This has left us with a tremendous backlog of cases in our office waiting for investigation. During the last week in July the BRN Nursing Education Consultants are scheduled to come to Sacramento to help develop investigative case plans for urgent Southern California cases. We will begin discussions with DOI to refer some of our most urgent cases back for limited and focused investigations as they cannot wait until 2011 for investigation.

There is a major concern that the backlog of BRN investigations continues to grow. Even after hiring the 14 approved special investigator positions near the end of this year, there will be a ramp up and training period of approximately 9-12 months before the new staff is fully functional. In the meantime, the case load will continue to grow. To accomplish the department's goal of completing investigations in 6 months or less, we plan to gather and analyze investigation data from BRN and DOI to determine whether a BCP should be pursued next year to add more non-sworn investigators to meet this goal.

### **Case Management**

We plan on doing some cross training with our Cite and Fine Analyst and our Case Management Analysts (CMA) for better coverage during vacation times. We also plan to slightly change the alpha case assignments for a more even distribution across the CMAs.

Based on the timeline established by the AG's office, hearings are to be requested within 2-4 weeks of receipt of a Notice of Defense (NOD); however, there are a number of cases in which this has not been done. Even with the CMAs following up on the cases and reminding the Deputy Attorney General (DAG) to request a hearing date, many of the DAG's wait to see if the case will settle first. If the case does not settle and a hearing date is then requested, several months have elapsed and the hearing date gets pushed out accordingly – further impacting the timeline of the case.

The length of time until a hearing date can be scheduled with an ALJ by OAH has also dramatically increased due to the higher workload at OAH. At the beginning of this fiscal year hearing dates were being scheduled between 90-120 days statewide. Hearing dates are now being scheduled between 120-240 days from the initial request.

The National Council of State Boards of Nursing (NCSBN) sponsored Stacie Berumen and Kathy Hodge to attend the Investigator/Attorney Symposium in Santa Monica May 24-26. The symposium was very informational on criminal background checks, substance abuse cases, sexual misconduct, trends in regulations across the country, and investigative training tools.

### **Statistics**

There are 690 pending DOI investigations.

There are 570 pending BRN investigations.

From October 1, 2009 to May 31, 2010, enforcement has served a total of 373 accusations and prepared 71 default decisions.

Overall, we have filed 725 pleadings (increase of 68% over last year) and taken 500 actions (increase of 36% over last year) this fiscal year.

The old monthly enforcement report which has additional breakdowns of information was provided to the Board. The new report required to be submitted to the Deputy Director of Enforcement and Compliance is still undergoing clean up and will be provided at a later meeting when statistics are accurate.

## **8.3 Probation Program Update and Statistics**

Stacie Berumen presented this report

### **Staff**

The Probation Program currently has one vacancy for a probation monitor and has initiated recruitment efforts. It is hoped we will have a candidate identified when the budget is signed.

### **Program**

The Probation Program staff conducted two training sessions at the enforcement academy for the probation module section. The initial academy sessions were given to enforcement managers to review and provide feedback. The feedback will be used to refine the academy which will be opened up to all DCA enforcement staff in the fall of 2010. The training was very well received by academy attendees.

The Probation Program Manager, Enforcement Division Chief, Interim EO, and Assistant EO met with representatives from the AG's Office, Office of Administrative Hearings, and DCA executive staff on May 25, 2010, and June 17, 2010, to prepare a plan to expeditiously process any cases forwarded for possible administrative action.

The Probation Program is diligently working on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's. Updates will be provided at each DDC meeting.

The Probation Program will begin reviewing the Recommended Guidelines for Disciplinary Orders and Conditions of Probation. They were last revised in 2002 and are long overdue for cleanup and to incorporate recent legislative and regulatory changes.

The Probation Program lost 576 hours of staff time May 1, 2010 to June 24, 2010 due to state mandated furloughs.

### **Statistics**

Below are the statistics for the Probation program from May 1, 2010 to June 24, 2010.

Probation Data	Numbers	% of Total
Male	87	27%
Female	266	75%
Chemical Dependency	227	64%
Practice Case	91	26%
Mental Health	1	.3%
Conviction	34	10%
Advanced Certificates	30	8.5%
Southern California	202	57%
Northern California	151	43%
Pending at the AG	70	20%
License Revoked	4	1%
License Surrendered	4	1%
Terminated	2	.5%
Completed	14	4%
Total in-state probationers	353	

## **8.4 Diversion Program Update and Statistics**

Carol Stanford presented this report

### **Program**

The Diversion Program Manager attended the NCSBN 2010 Attorney/Investigator Symposium on May 24<sup>th</sup> and 25<sup>th</sup> in Santa Monica. Pertinent information regarding Addiction: Environmental Cues and Relapse and Pain Management were presented. Several tools and guiding information pertaining to addiction, relapse and monitoring individuals with chronic pain were presented and will be provided to the committee members at the next Diversion Liaison Committee.

The Diversion Program Manager has been contacted by representatives from the country of Denmark regarding the Board's Diversion Program. An invitation has been extended to attend our next Board meeting in September. If they are able to attend, further information regarding their request will be provided at that meeting.

The 14<sup>th</sup> Diversion Evaluation Committee is scheduled to start on August 24, 2010, in Southern California. At this time, there are already 13 new applicants who have been

assigned to this DEC and will be reviewed by this committee at the first meeting. There are nine additional participants being transferred to this committee to relieve other DEC's in that area.

#### **Contractor Update**

The Board has received information that the audit required by SB1441 is in its final stages and should be available to the public shortly. Maximus has started testing new forms that were delayed as a result of the audit. Upon completion of the test and final review, the new forms will be implemented in accordance with the new contract requirements.

#### **Diversion Evaluation Committees (DEC)**

There are currently nine vacancies as follows: four Registered Nurses and five Physicians. Recruitment efforts continue.

#### **Statistics**

Attached is the Monthly Statistical Summary Report for April and May, 2010. As of May 31, 2010, there were 1,477 successful completions.

#### **8.4.1 Committee Member Term Resignations**

Carol Stanford presented this report

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

The following Diversion Evaluation Committee members have resigned for personal reasons. Their efforts will be recognized and letters of appreciation mailed out.

#### **RESIGNATIONS**

<b><u>NAME</u></b>	<b><u>TITLE</u></b>	<b><u>DEC</u></b>	<b><u>NO</u></b>
William Hamilton	Nurse	Sacramento	1
John Barnes	Nurse	Bay Area	2

#### **8.4.2 Diversion Evaluation Committee Members**

Carol Stanford presented this report

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is required to appoint persons to serve on Diversion Evaluation Committees. Each committee is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

## TRANSFER

The following DEC member was transferred from the Los Angeles DEC to the Ontario DEC.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Patti Velez	Public Member	Ontario	9

### 9.0 Report of the Nursing Practice Committee

Kathrine M. Ware, RN, MSN, ANP-C, Chairperson

### 9.1 BRN Study of California RNs on Probation 2004-2005

Julie Campbell-Warnock presented this report

BRN staff is working with Joanne Spetz and other research staff from the University of California, San Francisco Center for the Health Professions to complete a report on a study of California RNs who either began or extended probation in 2004 or 2005, which totals approximately 275 cases. This study is based on one published in March 2009 in the American Journal of Nursing. The National Council of State Boards of Nursing (NCSBN) worked with six boards of nursing to explore and evaluate what factors might affect the outcomes of remediation, including the likelihood of recidivism. A 29-item data extraction template was used to obtain data on the characteristics of the disciplined nurses, their employment settings, board actions, and remediation outcomes. A control group of nurses who had not been disciplined were used to compare data against the disciplined nurses.

BRN staff began collecting data on the California RNs in October 2009 using a modified version of the 29-item data collection instrument. Some additional data elements were collected which are outlined in the attached study overview. The collected data was provided to UCSF in May 2010 and they have begun working on the data entry and analysis. The final report is estimated to be completed in late October or early November 2010.

Genevieve Clavreul, RN provided a comment.

### 9.2 Barriers to Nursing Student Clinical Practice

J. Wackerly presented this report

Dr Nancy Cowen, MS, EdD, RN, Director at Chabot Colleges and President of the Northern California Associate Degree Nursing Director Group will provide survey information on items of concern: Cynthia Harrison, RN, MSN, Director Mission College; Vicky Maryatt, RN, MSN, Director American River College and Roz Hartman MSN, RN, Director at College of Marin were involved with producing the survey tool.

In spring 2010 nursing programs were notified of loss of their clinical placements for students in acute care units, OB, Mental Health, Pediatrics, Medical Surgical and Geriatrics. The individual colleges and the number of students affected by clinical placement loss will be

discussed as demonstrated in the survey. Clinical placements for fall 2010 have not been confirmed.

Northern Associate Degree Nursing Programs are experiencing difficulty with aspects of nursing student clinical affiliations in acute care and in some instances inability of nursing students to perform glucometer testing, access to medication including routine medications, IV administration and narcotics, access to the electronic medical record, and limiting Bar Coding Medication Administration. Faculties are experiencing changes in acute care where nursing student learning opportunities have been declining in some hospitals.

### **9.3 Report CALNOC Conference: The Global Reach of Nursing Quality**

J. Wackerly presented this report

Collaborative Alliance for Nursing Outcomes, CALNOC, June 23-24, 2010 Conference “The Global Reach of Nursing Quality” was held at the South San Francisco Conference Center.

Keynote address by Craig Clapper, PE, CMO/OE, founding partner and COO Health Performance Improvement spoke about Making Reliability a Reality: Quality Interest in the Patient Safety Culture.

Mary Foley PhD, RN, Assistant Director, Center for Research and Innovation in Patient Care, UCSF School of Nursing, addressed CALNOC Medication Administration Accuracy through the art and logistics of naïve observation, planning data collection, leveraging the observational moment, drilling down on distraction, documentation and patient education, using the CALNOC measure to evaluate practice and EHR innovations.

Nancy Donaldson, DNSc, RN, FAAN, co-principle investigator, CALNOC, Director, Center for Nursing and Research and Innovation, UCSF School of Nursing, presented Medication Administration Accuracy, the link between safe practices and medical administration errors.

Medication Administration Accuracy a local project that illuminates the problems and interventions in the nurse sensitive factors in medication administration. Seven hospitals from the San Francisco Bay Area participated in an 18 month-long Integrated Nurse Leadership Program, which was designed to improve reliability of medication administration and used the CALNOC Medication Administration Accuracy Tool.

Pam Wells, RN, MSN, Vice President and Chief Nursing Officer, Lucille Packard Children’s Hospital, Palo Alto, CA presented exemplar-using the CALNOC Medication Administration Accuracy Measure to explore the impact of electronic health record implementation.

**CALNOC** – Mission is to advance global patient care safety, outcomes and performance measurement efforts by: Leveraging a dynamic nursing outcomes database and reporting system; providing actionable data to guide decision making performance improvement, and



public policy; conducting research to optimize patient care excellence; building leadership expertise in the use of practice-based evidence.

#### **10.0 Public Comment for Items Not on the Agenda**

The following people provided a comment:

Genevieve Clavreul, RN

Tricia Hunter, American Nurses Association California

Meeting adjourned at 12:50 pm

#### **Thursday, May 20, 2010**

A. Boynton, Board President, called the meeting to order at 9:20 am and had the Board Members introduce themselves.

#### **11.0 Public Comment for Items Not on the Agenda**

No public comment made.

#### **12.0 Disciplinary Matters**

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on these matters and other disciplinary matters including stipulations and proposed decisions, and pursuant to Government Code Section 11126(e)(1, 2(A)) to confer with Legal Counsel regarding pending litigation.

##### **Reinstatements**

David Habib

DENIED

Angela Tinsley

GRANTED

##### **Termination of Probation**

Anthony Arellano

DENIED

Monique Garvanian

GRANTED

John M. Turner

GRANTED

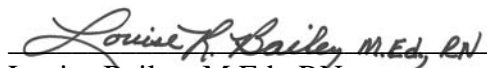
David Weller

GRANTED

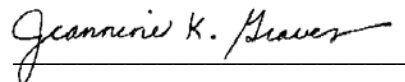
Meeting adjourned at 2:20 pm.

#### **13.0 Closed Session**

A. Boynton, Board President, called the closed session meeting to order at 2:30 pm. The closed session adjourned at 3:45 pm



Louise Bailey, M.Ed., RN  
Interim Executive Officer



Board President